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Atty. Docket: CREATK/101/US

In re patent application of first named inventor: Albert C. West

Application No.: 10/611,581 Examiner: Vivian Chen

Filing Date: June 30, 2003 Group Art Unit: 1773

For: Artificial Stone Material and Method of Manufacture Thereof

TRANSMITTAL LETTER

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir, enclosed herewith is (are):

- Response to Restriction or Election Requirement
- return postcard

It is hereby petitioned that any required extension of time be granted for filing the enclosed papers. An extension of 0 month(s) having a fee of \$0 appears required.


☐ If checked, claims are being amended.

No. of claims remaining after amendment	Highest no. of claims previously paid for	no. extra	claim fee	subtotal
Total			\$	\$0.00
Independent			\$	\$0.00
Total claim fees				\$ 0.00

☐ If checked, a check in the amount of _____ is attached. Please credit any overpayment to Deposit Account 16-2563 of Alix, Yale & Ristas, LLP.

The Commissioner is hereby requested and authorized to charge Deposit Account 16-2563 of Alix, Yale & Ristas, LLP for any required extension fee and for any other fee, not enclosed herewith, due for any reason during the pendency of this application or in connection with the accompanying document, including (a) any filing fees under 37 CFR 1.16 for the presentation of extra claims and (b) any patent application processing fees under 37 CFR 1.17. A duplicate copy of this letter is enclosed.

Date: 7-19-2005
Alix, Yale & Ristas, LLP
750 Main Street- Suite 1400
Hartford, CT 06103-2721
(860) 527-9211

By: 
James E. Piotrowski
Registration No. 43,860
Attorney for Applicant

The above signatory certifies that this correspondence is being deposited on the date given above with the United States Postal Service as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Docket: CREATK/101/US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Albert C. West

Application No.: 10/611,581 Examiner: Vivian Chen

Filing Date: 06/30/2003 Group Art Unit: 1773

For: Artificial Stone Material and Method of Manufacture Thereof

To: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION OR ELECTION REQUIREMENT

The Office Communication dated 06/30/2005 for the above application imposed a two way restriction requirement between the asserted inventions of Groups:

- I. Claims 1-5, 10-13, drawn to a thermoset composition, classified in class 428, subclass 323+.
- II. Claims 6-9, 13-16, drawn to a method of producing a thermoset, classified in class 523, subclass 1+.

In order to strictly comply with the Examiner's requirement in the above restriction requirement, and without agreeing to the propriety of the restriction requirement, Applicant elects, with traverse, the invention of Group I, including claims 1-5 and 10-13 drawn to a thermoset composition.

The restriction was imposed based on an assertion that "the product as claimed can be made by another and materially different process such as adding the catalyst before the additives." With reference to Applicant's specification at, for example, page 3, lines 19-26, in at least one embodiment the catalyst IS added before the additives. Thus, the rejection does not provide a different process but rather discusses a disclosed process. The communication fails to provide any reason to support the pending restriction.

Appl. No.: 10/611,581

Response to Office communication dated: 06/30/2005


Attorney Docket: CREATK/101/US

Additionally, MPEP section 803 states (underlining added) "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

The restriction requirement respectfully appears too restrictive. The Examiner has not shown it would be a "serious burden" to perform a complete search and examination on all of the claims as originally filed. Alternatively, the Examiner has not shown it would be a "serious burden" to perform a complete search and examination on more than just Group I but less than all of the originally filed claims. Since the Examiner has not made any showing of undue burden, each of the above requirements for restriction and election is respectfully traversed and the Examiner is respectfully urged to withdraw or modify the same.

Respectfully submitted,

Date: 7-19-2005
750 Main Street- Suite 1400
Hartford, CT 06103-2721
(860) 527-9211

By: 
James E. Piotrowski
Registration No. 43,860
Alix, Yale & Ristas, LLP
Attorney for Applicants